

REMARKS**Status of the Claims**

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action of November 3, 2004. Claims 1-18 and 26-30 remain in the application. Additional amendments to the claims have been made to more particularly point out what Applicants regard as the invention. Claim 19 has been cancelled.

Applicants further cancel the previously presented new claims 31-35 without prejudice in response to the constructive election of the original claims by the Examiner. The above amendments are supported by the Specification as filed. Accordingly, no new matter is added.

Office Action Rejections Summary

Claims 1-3, 6 and 26-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,496,595 of Puchek et al. ("Puchek") in view of U.S. Patent No. 6,353,853 of Gravlin ("Gravlin").

Claims 4, 5, 7-10, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Puchek et al. in view of Gravlin and further in view of U.S. Published Patent Application No. US20020029349 of Daigneault et al. ("Daigneault").

Claims 11-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Puchek et al. in view of of Gravlin and further in view of U.S. Patent No. 5,903,225 of Schmitt. ("Schmitt").

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Puchek in view of Gravlin and further in view of Schmitt and further in view of Daigneault.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 6 and 26-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,496,595 of Puchek in view of U.S. Patent No. Gravlin.

Applicants respectfully submit that neither Puchek alone or in combination with Gravlin teach what is presently claimed, thus claims 1-3, 6 and 26-29 are patentable over the cited references.

Claim 1 recites:

An Internet co-location facility security system, comprising:
a plurality of biometrics readers;
an access control system coupled to the plurality of biometrics readers;
a computer including a central software program connected to the access control system, the central software program configured to monitor the use of the plurality of biometrics readers;
a server including a database connected to the central software program, the database configured to receive information from the central software program regarding the use of the plurality of biometrics readers by a visitor associated with a co-located member during a visit to the co-location facility, the server further configured to transmit this information through the Internet to a web-based interface; and
the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet.

(emphasis added)

The Office Action states:

Puchek does not explicitly disclose:

- e. Transmit this information to co-located members through the Internet; and
- f. A web-based interface configured to allow co-located members to schedule visits to the facility through the Internet to the database on the server.

However, Gravlin discloses these limitations (Gravlin: column 1 lines 6-64 and column 2 line 32 -column 3 line 13: enable authorized users to monitor, control, configure, and interact with (sic) the BAS...time of day scheduling for the facility... enabled to locally or remotely manage). Since the Puchek discloses the monitoring information and access control information can be transmitted to database/server through Internet and use for statistic or other purposes, the monitoring information obtained from the access control system can be downloaded by the server and transmitted to web-based remote clients to control and manage building remotely for reasons as building maintenance and security purposes.

It would have been obvious to one having ordinary skill in the art to combine the teachings of Gravlin within the system of Puchek because it allows authorized users to monitor and control a building remotely through Internet and cut down the cost of security personnel.

Gravlin discloses HTML Client program can monitor, control, configure and interact with the BAS and also time of day scheduling for the facility (Gravlin: column 1 lines 18-40). Therefore, the combination of Puchek and Gravlin discloses the claimed limitation by enabling remote users to access, monitor, and control building operations and perform miscellaneous tasks through web-based interface and the monitored information and access information can be uploaded to database/server so that the information can be used by the authorized user to manage the building and other purposes. (p. 12)

(Office Action, 11/03/2004, p. 3-4, 12) (emphasis added)

Applicants respectfully disagree with the Examiner's characterization of Puchek in view of Gravlin, which does not disclose, "the server further configured to transmit this information through the Internet to a web-based interface, and the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet."

Gravlin describes a system for managing building automation systems (BAS) and specifically discusses, "a BAS interface panel that varies in configuration but generally

provides both monitoring and control capability with status indications, monitoring functions, and /or messages appearing on a graphical user interface display. They may also include equipment diagrams with performance status, individual floor plans of the facilities under control, time of day scheduling for the facility, an operator defined group, specific zones, attendance messages... and diagnostic functions.” (col. 1, ln. 26-34)

In other words, Gravlin merely provides the capability to control or monitor core building functions such as environmental functions (e.g., HVAC) and/or other aspects such as lighting or security system status. Because Gravlin deals exclusively with communicating only physical core building functions, neither cited references, alone or in combination, teach or suggest a server including a database connected to the central software program, the database configured to receive information from the central software program regarding the use of the plurality of biometrics readers by a visitor associated with a co-located member during a visit to the co-location facility, the server further configured to transmit this information through the Internet to a web-based interface. Consequently, claim 1, as amended, is patentable over the cited references.

Additionally, neither Puchek nor Gravlin, alone or in combination, teach or suggest the feature, “the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet.” The Examiner seems to suggest the Internet capability of Gravlin along with “time of day scheduling for the facility” discloses this feature. However, Gravlin is silent as to what time of day scheduling for the facility means. Time of day scheduling is a term used in the area of building automation systems to define the operating times for the building’s equipment (HVAC, etc.) to maximize energy efficiency (<http://www.trane.com/download/equipmentpdfs/basprc001en.pdf>, p.

6). Consequently, it is clear that Gravlin also does not disclose this feature as suggested by the Office Action, and claim 1 is patentable over the cited references.

Therefore, for at least the reasons stated above, independent claim 1 is patentable over Puchek in view of Gravlin. Given that claims 2, 3, and 6 depend from claim 1, applicants respectfully submit that these are also patentable over the cited references.

Claim 26 has been amended to include substantially the same limitation as claim 1, specifically the limitation of, “a web-based interface communicatively coupled to the computer and configured to allow a co-located member, or visitor associated with the co-located member, to schedule a visit to the co-location facility through the Internet.” Therefore, Applicants respectfully submit that claim 26 is patentable over the cited reference because Puchek and Gravlin, alone or in combination does not disclose or suggest all of the limitations of claim 26. Given that claims 27-30 depend from claim 26, Applicants respectfully submit that claims 27-30 are also patentable over the cited references.

Claims 4, 5, 7-10, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Puchek in view of Gravlin and further in view of Daigneault. However, adding what is disclosed in Daigneault does not cure the deficiencies of Puchek or Gravlin. Given that claims 4, 5, 7-10 depend from claim 1 and claim 30 depends from claim 26, Applicants respectfully submit that these claims are also patentable over the cited references.

Claims 11-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Puchek in view of Gravlin and further in view of Schmitt. However, claim 11 has been amended to include substantially the same limitation as claim 1, specifically the limitation of, “the database configured to receive information from the central software

program regarding the use of the plurality of biometrics readers by a visitor associated with a co-located member during a visit to the co-location facility, the server further configured to transmit this information through the Internet to a web-based interface,” and “the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet.” Adding what is disclosed in Schmitt fails to cure the deficiencies of Puchek and Gravlin. Therefore, Applicants respectfully submit that claim 11 is patentable over the cited references because Puchek and Gravlin, alone or in combination does not disclose or suggest all of the limitations of claim 11. Given that claims 12-18 depend from claim 11, Applicants respectfully submit that claims 12-18 are also patentable over the cited references.

Additionally, it is also respectfully submitted that Puchek does not suggest a combination with Gravlin, and Gravlin does not suggest a combination with Puchek. Because inadequate motivation has been cited to suggest such a combination, it would be impermissible hindsight to combine Puchek with Gravlin based on Applicants’ own disclosure.

Lastly, the “Puchek” reference qualifies as prior art only under 35 U.S.C. § 102(a) and 102(e). As such applicants reserve the right to swear behind the effective prior art date of this reference.

CONCLUSION

Applicants respectfully submit that the rejections have been overcome by the amendments and remarks, and that the pending claims are in condition for allowance.

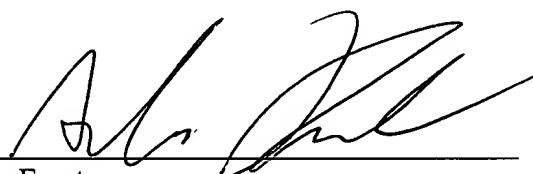
Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 4/13/05


Adam Furst
Reg. No. 51,710

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300